Bill for the regulation and control of Hackney Carriages in Mysore.

WHEREAS it is expedient to provide for the regulation and control of Hackney Carriages in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Hackney Carriage Regulation, 19 ."

(2) It extends to the whole of the territories of Mysore.

(3) It shall come into force at once. But nothing herein contained shall affect any power conferred by any law relating to Municipalities or any rule made in exercise of any such power.

Repeal.

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, which may be in force at the time this Regulation comes into force shall, so far as they are not inconsistent with this Regulation, be deemed to have been made under this Regulation.

Definitions.

3. In this Regulation—

"Hackney Carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered, or plies for hire; and

"Hackney Carriage."

"Committee" means a Committee of Municipal Councillors or the entire body of Municipal Councillors constituted under the provisions of any enactment for the time being in force.

"Committee."

Application of the Regulation to Municipalities.

4. The Government of Mysore may, by notification in the official Gazette, apply this Regulation to any Municipality within the territories of Mysore.

(Section 3, Act XIV of 1879.)

Power of Municipalities to make rules.

When the Regulation has been so applied to any Municipality, the Committee of such Municipality may, from time to time, make rules for the regulation and control of hackney carriages within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes rules or by-laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government of Mysore and published for such time and in such manner as the Government may from time to time prescribe, have the force of law:

Provided that the Government of Mysore may, at any time, rescind any such rule.

(Section 4, Act XIV of 1879 modified.)

Power to make rules for areas outside Municipalities.

5. The Government of Mysore may, from time to time, make rules for the regulation and control of hackney carriages in any area outside the limits of a Municipality and such rules when published for such time and in such manner as the Government may from time to time prescribe, shall have the force of law.

(Section 5, Act XIV of 1879 modified.)

Power of a Municipal Committee to extend the operation of the rules beyond the limits of the Municipality.

6. The Committee of any Municipality making rules under this Regulation may, with the previous sanction of the Government of Mysore, extend their operation to any railway station or specified part of a road not more than six miles from the local limits of the Municipality.

(Section 4 of Regulation I of 1887.)

Matters as to which rules may be made.

7. The rules to be made under section 4 or section 5 may, among other matters,—

(*a*) direct that no hackney carriage, or no hackney carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore, under the Bangalore Hackney Carriage Regulation, as in force in the Civil and Military Station, Bangalore;

(*b*) direct that no person shall act as driver of a hackney carriage except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore under the Bangalore Hackney Carriage Regulation as in force in the Civil and Military Station, Bangalore;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriage;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(*i*) appoint places as stands for hackney carriages, and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rate or fares, as well for time as distance, which may be demanded for the hire of any hackney carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed, affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require the drivers to wear a numbered badge or ticket and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges;

(*n*) provide for the deposit of property found in such carriages and the payment of a fee by the owner of such property on the delivery thereof to him; and

(*o*) prohibit the employment in hackney carriages of animals which by reason of disease, infirmity, wound, sore, or other cause are unfit for such employment.

(Section 5 (2) of Regulation I of 1887.)

Punishment for breach of rules.

8. (1) Any person breaking any rule made under this Regulation shall be punished with fine which may extend to fifty rupees.

(Section 5 of Regulation I of 1887 modified.)

Licenses when subject to revocation or suspension.

(2) A license granted under the rules under section 7 above shall be subject to revocation or suspension upon the happening of any event prescribed by the rules under which the license is granted and in the case of a license granted by the Municipal Council of the City of Bangalore, also upon the happening of any event upon which it would be so subject under the law in force in the Civil and Military Station, Bangalore.

Fees and expenses.

9. The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall, in any Municipality, be credited and debited, respectively, to the Municipal Fund and in any other case, to such fund as the Government may, by general or special order, direct.

Decision of disputes between hirer and owner or driver of carriage.

10. If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such

Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

Driver to take hirer in carriage to Court of Magistrate.

11. If, at any time any dispute mentioned in section 10 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

Penalty for injuring carriage.

12. If any person using a hackney carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the hackney carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine.

STATEMENT OF OBJECTS AND REASONS.

There is no law at present applicable to the whole State for the regulation and control of the hackney carriages. The Bangalore City Hackney Carriage Regulation of 1887 applies only to that City. It is, therefore, thought desirable to enact a Regulation that could, when necessary, be applied in any part of the State. The draft Bill is, however, purely of an enabling character and does not come into force in any area unless specially extended by the Government. The Bill is based entirely on the Bangalore City Hackney Carriage Regulation which it repeals. Regular jatka services have been established between some of the railway stations and towns—for instance, between Bangalore and Chikballapur and between Bowringpet and Kolar. It is necessary to exercise some supervision over these public conveyances in the interests of public safety.

A Bill to amend the Mysore Local Boards Regulation, II of 1902.

Whereas it is expedient to amend the Mysore Local Boards Regulation, II of 1902; His Highness the Maharaja is pleased to enact as follows :—

Short title.

1. This Regulation may be called "The Mysore Local Boards Regulation Amendment Regulation, 19 ."

Amendment of clauses (5) and (6) of Section 20.

2. In Section 20 of the Mysore Local Boards Regulation, II of 1902, there shall be inserted, (i) at the end of clause (5), the words "including tolls and fees leviable under Section 31 (A) (1) (*g*)," and (ii) in clause (6) the words "or for any of the purposes specified in Section 31 A (1) (*b*)" after the words "in a Union."

Addition of a new section.

3. After Section 31 the following section shall be added, *viz.*—

Power of District Board to make bye-laws.

"31 A (1) The District Board may, from time to time, with the previous sanction of Government and with reference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law;

(Cf. Section 350 of the Bengal Municipal Act.)

for markets, slaughter houses, etc.

(*a*) for the general or special regulation, inspection and control of musafirkhanas, markets, slaughter houses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board;

(Cf. Section 48 (1) (a) of the Mysore Municipal Regulation.)

for licensing, regulating and inspecting certain business.

(*b*) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the District Board—

(Cf. Section 48 (1) (b) of the Mysore Municipal Regulation.)

(i) as a slaughter house;

(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;

(iii) as a cart-stand;

(iv) for any of the purposes mentioned hereunder :—

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing and storing fish,

(3) for storing hides, horns or skins,

(4) for tanning,

(5) for the manufacture of leather or leather goods,

(6) for dyeing,

(7) for melting tallow or sulphur,

(8) for washing or drying wool or hair,
(9) as a brick, pottery or lime kiln,
(10) for soap making,
(11) for extracting oil by boiling,
(12) as a manufactory of sago,
(13) as a distillery,
(14) for storing hay, straw, fodder, wood, coal or other combustible material,
(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire,

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

(Cf. Section 139 of the Mysore Municipal Regulation.)

(*c*) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughter house or as a cart-stand or as a burial and burning ground or for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), excepting the public markets or slaughter houses or cart-stands or burial and burning grounds constructed or opened or places set apart for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), by the District Board, or such other markets or slaughter houses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*) as may have been licensed in writing by the District Board ;

for prohibiting use of other than public or licensed markets, slaughter houses, etc.;

(Cf. Section 48 (1) (c) of the Mysore Municipal Regulation.)

(*d*) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein ;

for inspecting hotels, etc. ;

(Cf. Section 350 of the Bengal Municipal Act.)

(*e*) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks, and wells;

for preventing nuisances in regard to water-supply ;

(*f*) preventing nuisances affecting the public health, safety or convenience ;

for preventing nuisance to public health ;

(Cf. Section 48 (1) (v) of the Mysore Municipal Regulation.)

(*g*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and otner general precautions as may be prescribed, either generally or in special licenses to be granted in each case;

for controlling unwieldy traffic ;

(*h*) for carrying out all the purposes of this regulation.

(*Cf. Section 152 A. of the Madras Local Boards Act.*)

for regulating District Board Administration.

(*Cf. Section 350 of the Bengal Municipal Act.*)

Infringement.

"And the District Board may by such bye-laws impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of fifty rupees for each offence, and in case of a continuing offence, a further penalty not exceeding ten rupees for each day after written notice of the offence by the District Board.

(*Cf. Section 48 (2) of the Mysore Municipal Regulation.*)

Publication of drafts of proposed bye-laws.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(*Cf. Section 48 (3) of the Mysore Municipal Regulation.*)

Objections and suggestions to be submitted to Government.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

(*Cf. Section 351 of the Bengal District Municipality Act.*)

Government may sanction any bye-law or cancel its sanction.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect."

STATEMENT OF OBJECTS AND REASONS.

In the Local Boards Regulation, II of 1902, no provision is made for the regulation and control by the District Boards of musafirkhanas, markets, slaughter houses, hotels, etc., cart-stands, burial and burning grounds, places used for carrying on offensive and dangerous trades and the like or for the prevention of nuisances in regard to water-supply and nuisances affecting public health or for the control of unwieldy traffic. The Village Sanitation Regulation, I of 1898, and the rules framed thereunder provide for the regulation of some of these matters but they are found not to be sufficiently comprehensive or adequate to meet all cases that may arise. The object of the present measure is to give District Boards powers in regard to the matters specified above similar to those conferred on Municipal Councils by Regulation VII of 1906. The bye-laws, which may be framed by District Boards under the new provision, will be supplementary to the Rules issued under the Village Sanitation Regulation.

Clause 3 which is the most important clause in the Bill has been drafted after consulting the following analogous provisions:—

1. Sections 48 and 139 of the Mysore Municipal Regulation, VII of 1906.

2. Section 152 A of the Madras Local Boards Act, V of 1884, as amended by Acts III of 1890 and VI of 1900.

3. Sections 350 and 351 of the Bengal Municipal Act, III of 1884, as amended by Acts III of 1886 and IV of 1894.